

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION**

Karen Menton,)
Plaintiff,) Civil Action No. 7:14-cv-2542-JMC-KFM
v.)
Nestle Frozen Food Company,)
Defendant.)

)

Plaintiff, proceeding *pro se*, brought this action alleging gender discrimination in violation of Title VII of the Civil Rights Act of 1964, as amended; retaliation in violation of Title VII; wrongful termination; breach of contract; and intentional infliction of emotional distress. This matter is before the court for review of the magistrate judge's Report and Recommendation ("Report") (ECF No. 15), filed on July 17, 2014, recommending that Defendant's Motion to Dismiss Plaintiff's First, Second, and Third Causes of Action in the original Complaint (ECF No. 6) be denied as moot. The Report sets forth in detail the relevant facts and legal standards on this matter which the court incorporates herein without a recitation.

The magistrate judge's Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. "The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination." *Wallace v. Hous. Auth.*, 791 F. Supp. 137, 138 (D.S.C. 1992) (citing *Matthews v. Weber*, 423 U.S. 261, 271 (1976)). The court is charged with making a *de novo* determination of those portions of the Report to which specific objections are made, and the court may accept, reject, or modify, in whole or in part, the magistrate judge's recommendation or recommit the matter with instructions. See 28

U.S.C. § 636(b)(1).

No objections have been filed to the Report.

In the absence of objections to the magistrate judge's Report, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Furthermore, failure to file specific written objections to the Report results in a party's waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).

Therefore, after a thorough and careful review of the Report and the record in this case, the court finds the Report provides an accurate summary of the facts and law. The court **ADOPTS** the magistrate judge's Report (ECF No. 15). It is therefore **ORDERED** that Defendant's Motion to Dismiss Plaintiff's First, Second, and Third Causes of Action in the original Complaint (ECF No. 6) is **DENIED** as **MOOT**.

IT IS SO ORDERED.

United States District Judge

January 22, 2015
Columbia, South Carolina